G.R.S. 57.]

Legis **File No.** 13 -13

Serial Nos. 1-4

1903.

GENERAL AND REVENUE SECRETARIAT.

(Legislation)

Part A: Manuscript
for March 1914

Serial Nos. 1-4

Subject:- Amendment of the Mysore Military Regulation, 1899. (Regn II of 1914)

GPB—5,000—20-3-06.

G. R. S. 11] 191 3

GENERAL AND REVENUE SECRETARIAT.

( )

NOTES.

Legis File No. 13-1

FILE HEADING.

Amendment of the Mysore Military Regulation, 1899. (Regn. II of 1914).

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

4

NOTES—First Sheet.

GPB—20,000—8-8-14

Flag Z

1) The accompanying D.O. dated 27th December from Col. A.A. Jones, containing certain suggestions for the amendment of the Mysore Military Regulation in certain respects, is forwarded to the Secretary, General and Revenue Departments, for the case being worked up and submitted in the usual course, in consultation with the Legislative Branch.

30.12.12 M. Krishnamurthy
Dewan

B.V.

Encl. 28 K.R. Srinivasa Iyengar
3/1 "
Dd. Ramaswamaiya "

43 D 23-1-1913.

2) Submitted.

There appears to have been some discussion about the delegation of powers of Confirming the Court-Martial Proceedings in this file 36 of 1897, which is not available at present. Hence the

(Vide Slip attached)

[F. R. S. 12]

General and Revenue Secretariat.

Legs File No. V3 of 191 c

Serial No.

receipt will of approved be kept in "Secs" till the references are available

2/1 on S.R 18/1

L File was obtained by the Dewan's office on 20-1-13. and recd back on 24/1/13

3) Yes. To be remind if file. reqd. is not received within a fortnight.

M Ramaswamiengar 29.1.13

P.T.O

NOTE—Contn. sheet.

GPE—65,000—17-6-12.

1236
~~1223~~
5.2.13.

4) Reference:- Your note dated 14th December 1912 on Memo No.64 dated 8th Idem.

The existing rules in British Indian Regiments are those contained in the Manual of Indian Military Law.

Vide Army Act offences, page 125, 126, Section 41 and note thereto &ca &ca. All other civil offences committed in British India should be disposed of as directed in the note to Rule 15, vide page 177 and should be read in conjunction with Army Act Section 31, Note pages 117-118 and page 70-71 para 49.

5) A civil offence for the purposes of the Indian Army Act means an offence which if committed in British India would be tried by a Criminal Court and offence means an act or omission punishable under Army Act and includes a civil offence as above.

Vide page 104
see definitions
Sec. 7

As regards concurrent jurisdiction vide Article 69 page 136.

When a Criminal Court and a Court Martial have each jurisdiction in respect of an offence it shall be at the discretion of the prescribed Military authority to decide before which court the proceedings shall be instituted and if that authority decides that they shall be instituted before a Court Martial to direct that the accused person shall be detained in

military custody and vide note
to Article 69
Also please note articles 70 & 71
page 136-137
Also ---------- 66
page 136
Also ----------476
page 434 and note 36 thereto and
Section 6 of the Army Act.

b) It seems to me that the above Rules &ca are set forth to enable the retention of Military men at their work and prevent ~~not~~ unnecessarily taking them away from their duties for trivial crimes &ca, and so enable Military Officers to dispose of such cases if possible, in the interests of Government best calculated to do justice.

A Jones Lt Col
for Military secretary

7) This may be considered along with the other D.O.reference from the Military Secretary relating to certain amendments, &c., to the Military Regulation, now under consideration in the Military Branch.

Both the cases should be thoroughly discussed by the Legislative and Military Branches.

Early action is required.

Mil Misc 53
15.2.13.

B.M. 18 K.R. Srinivasa Ayyangar
14/2 Secretary
Mr Ramachandra Ayyar Legislative Dept.

19.2.13
M. Visvanatha Ayyar
Member

R. S. 12]

General and Revenue Secretariat.

Regis File No. 13 of 1913

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Daily file 36097 required for reference has been put up with the file of Rev. III relating to Regulation II of 1913 was not available & the file had been referred to us.]

8) It is submitted that the amendments to the Military Regulation proposed by the Military Secretary to H.H. and to which these rules relate, are as follows:-

(1) to amend sections 38 & 63 so as to delegate the powers of Convening Courts Martial and Confirming the Proceedings (apparently so far as they relate to the Transport Corps) to the Military Secy to H.H.;

(2) to define the word "Government" appearing particularly in the above sections and in others also;

and (3) to amend sections 94 & 95 of the Regulation, dealing with the jurisdiction of Criminal Courts over certain Offences committed by Military men and the power of such Courts to require delivery of the accused persons, so as to permit the Commandant of the Transport Corps to try and dispose of all Offences

* Rep 4.

NOTE—Contn. sheet.

Serial No.

in which a Military employee is concerned, without interference from the Civil authorities.

9) With regard to point (1) above it may be kindly noted that the Mysore Army Regulation provides for the minor offences being dealt with by the Troop officers, Squadron or Division Commanders, Commanding officer and the Chief Cond^t. Please see sections 3 to 34. As resorts to Court-martial should be had only in very exceptional cases (vide Section 39), it was considered by Govt. to be expedient to reserve the matter for their own direct action. and the A/ Similar request made by the Chief Cond^t for his being invested with these powers was declined. Please see Sls. 4576 and 4576 in this file 36 of 1897 put up.

10) As for point (2), it may be kindly noted that the word "Govt." has been defined in Section 3 (16) of the General

NOTE—Contn. sheet.

10

Serial No.

Clauses Regulation, No III of 1899, and it is not necessary to define it again in the Daily Regulation unless a different definition has to be given to it. The definition as given in the Regulation refd to above (vide page 506 of Mysore Code, Vol II of 1899-1901) is as follows.

"Government" or "the Government" or "the Government of Mysore" shall mean the person authorized to administer executive Government in Mysore. It may also be noted that it is usual to submit all the requisitions for Convening Courts Martial and for Confirming the Proceedings of the D.S.Rept coming to Govt for orders under Sections 38 & 63 to Dewan for Orders. It is evident from the fact that the Daily Secy to H.H. who has been invested with the powers of the Chief Cand^e so far as the Transport Corps is concerned has obtained the orders of the Dewan for Convening the Court-Martial and for Confirming the sentence

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat. | Legis File No. 12 of 1913

Serial No.

in the case refd to in the D.O. Correspondence that it is usual with him also to obtain the orders of the Dewan. Hence it will be seen that the reason given in his D.O. dt 22-12-12 i.e., the want of definition of the word "Govt" as being the cause of the irregularity refd to in the Dewan's D.O. dt 23-12-12 is not supported by facts.

Besides the circumstances under which the amendments (1) & (2) refd to above have been proposed are apparent from the D.O. Correspondence itself.

(11) In this connection it may be kindly noted that the fraudulent sale of manure and misappropriation of Govt money comes under "Embezzlement" as defined in Section 2 (25) of the Madras Village Sanitation and Nuisances Act and for which the punishment to be awarded is dismissal from service in addition to any other punishment (vide sections 81 & 90). But in the case under refce it is understood that the punishment awarded was dismissal

NOTE—Contn. sheet.

GPE—61,000—17-6-12.

Serial No.

and that punishment awarded subsequently after a reconsideration was the reduction to a lower grade, which appears to be on verification of the records (which were sent for by the Mily. Secy. this available & happens will be found to be perfect in contrary to law, (the facts was stated as correct.

12) With regard to amendment (3), it is submitted that sections 94 & 95 of the Mysore Mily Regulation deal with the jurisdiction of Criminal Courts over certain offences committed by Mily men. Legis file No 1 of 1906 relating to the addition of the above sections to the Mysore Mily Regulation is also put up. From the perusal of the notes in this file it will be seen that after a mature consideration these sections have been provided for and that, in order to avoid friction between the Mily authorities and the Civil tribunals, the power of deciding as to which Court shall try the offence has been vested in Govt. Sections 69 to 71 of the Indian Articles of war deal with

NOTE—Contn. sheet.

13

General and Revenue Secretariat.

Depo File No. 12 of 1913

Serial No.

Adjustment of the Jurisdiction of Courts-Martial and Criminal Courts in British India.

13) The procedure observed in British India in cases of Civil offences committed by ~~persons~~ persons subject to Military Law may be briefly stated as follows.

(a) An offence committed against the property or the person who is not subject to Military law is not as a rule tried by Court-Martial.

(b) Offences under I. A. Sections 27(b), 31, 35(b), 41 & 42 are either tried by Court Martial or by Civil Court.

(c) If the Offender is in Military Civil Custody the Officer Commanding the Corps will take steps to Magistrate decide before which Court the proceedings shall be instituted.

(d) Offences under (b) above are usually tried by Court-Martial unless Civilians are not implicated, in which case it is considered to be expedient to have recourse to a Civil Court.

14

NOTE—Contn. sheet.

G I I—65,000—17-6-12.

General and Revenue Secretariat. Legs File No. 13 of 1913

Serial No.

14) In this Connection it may also be kindly noted that even in British India trial by Court-martial is no bar to subsequent trial of an offender by Criminal Court for the same offence on the same facts (vide Section 71 of the Army Act

Subd for orders.

Dy. S. R.
Dy. Sec. - N.N.
7/7

15) Col Jones contends that as there is no definition of the term 'Government' in the Military Regns it might mean the Legislature & that it is advisable to allow the Military Deptt to manage their own discipline without reference to Civil Ct. Where Contracts are admitted as valid the Deptt should have the amended Contracts.

16) I venture to point out that Col Jones Contentions are not valid for the following reasons. The omission of the definition of the term "Govt" in the Military Regns does not take away anything from according to the general rules of interpretation the Military Regns will the authority to refer to where the word "Govt" has been duly defined.

K

NOTE—Contn. sheet.

GIL—65,000—17-C-12.

Serial No.

In the absence of any other definition that has been accepted and that understood definition the decision is the fact.

Col Jones says that the decision does not refer to other persons or fact - then maybe the practice but that will not help him at all in this argument. The decision as such has absolutely no power & independent disposal whatever besides is for or on behalf of fact & in virtue of powers delegated to them & fact & other persons & Custom of the Office or Dept. Even such disposal does not make him an authority coexisting with fact as a separate entity. He is still the mouthpiece of fact & therefore that because the decision does not refer to fact in some cases he is a separate entity - is untenable.

17) The entire position is simply ridiculous. Col Jones thinks it is better to allow military officers to manage their own affairs. The military should be isolated & not regard the public & commercial communities with the same social intercourse & general acts having a civil element in it necessarily & practically tho' their very complexity

NOTE—Contn. sheet.

16

Serial No.

and intricacy and also from delicacy cannot well be handled & the Military Authorities whose Law generally & specially to persons in Law & Jurisprudence. In the British Army there is a Special Officer — the Judge Advocate General who is well versed in the Law and Rules & the procedure of a Court Martial. The Officers of British Regiments are all men of best learning that can assemble & such gentlemen aided & the Specialist Judge or Deputy Advocate General may very well be trusted to deal out justice. Even then Military Offenders are not placed beyond the jurisdiction of Civil & Criminal Courts & Laws & Courts in the land.

18) Non-Europeans on the Island neither are our Officers to well educated as the British Officers & others & the jurisdiction & Corresponding to the Judge Advocate General and in addition to this Military Offenders are placed beyond the jurisdiction of the Criminal & the Court may not be Satisfactory. Letter to the Chief Justice

19) The Rules & Regulations allow

NOTE—Contn. sheet.

GPB—65,000—'7-6-12

General and Revenue Secretariat. | Legs File No. V3 of 191 3

Serial No.

a post Share of plenary powers to the Military authorities, Circulation with a view to discipline Sports & Good fellowship necessary safeguards. There seems to be no necessity to make any amendments or amendments in the Enactment proposed & Col Jones desirable in the interests of justice.

T. Thambuchetty. 6/7/13.

Legs

20) Please indicate in a tabular form the sections or provisions of the British Indian Law against Secs 38, 63, 94 & 95 now proposed to be amended.

Draft 8/7

D.M. Narasimha Rao

21) Submitted.

The tabular statement called for in para 20 of the Rules is appended below.

Sections of the Mysore Army Regulation proposed to be amended	Corresponding Sections of the Indian Army Act 1911
38 (42)*	54, 55, 62 & 64
63 (67)*	95, 96, 98 & 101
94	69
95 {35, 36 & 37}*	70

Paras noted in red ink relate to the Rules for the Punishment of Crime in the D. S. Troops in which the Mysore Army Regn is based.

NOTE.—Contn. sheet.

M.S.R. 8/7 M.N.

Legs

T. Thambuchetty 9.7.13

GPB—6,000—7-1-12.

General and Revenue Secretariat. | Legis File No. 13 of 1913

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23)

The following proposals are urged :—

(A) Delegating the power of sanctioning the convening of Courts martial to the Military Secretary to His Highness. This may be done as in British India, Sec 38 of the Mysore Reg being amended on the lines of Sec 62 of the Indian Army Act 1911 by the addition of the expression "or of such officer Specially authorized in this behalf by Govt." at the end of the 1st sentence of sec 38: This is a power which can be best exercised by the Military Secretary.

(B): Delegating the power of sanctioning the proceedings of a Court Martial :. Secs 38 & 63 :—(of Mysore Reg): This may also be delegated to any officer empowered by Govt just as the first power by suitably amending the Regulation provided the British Indian System is adopted in full. Where a Judge Advocate or Legal man is associated with the Court to prevent irregularity & illegality in the proceedings. If this principle commends itself, any Govt Law officer or Judge may be so associated. (Sec 78 of the Indian Army Act)

(C) To make all offences committed by Military men triable Exclusively by the Military authority :-

(Secs 94 & 95 of Mysore Reg)

The expediency of this change is open to reasonable doubt. Firstly, it goes further than the British Indian Regulation

NOTE—Contn. sheet.

GPB—6[5],000—7-6-12.

General and Revenue Secretariat.

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Serial No.

(vide Sec 70 I.A. Act). Secondly, cases may arise in which a trial by Civil authorities would be more appropriate. And lastly, the interests of the Military are duly safeguarded by Secs 95 of the Mysore Reg, according to which Criminal Courts have to stay proceedings until Govt decide the authority or tribunal which should try a particular case.

24) If the Govt in the Military Dept decide what amendment is needed after formulating the policy, the Legislative Branch will deal with the case further.

Dewan

11/7

3946
12-7-13

25) The power of sanctioning the convening of a Court Martial may, I think, be delegated to the Military Secretary. I am not convinced of the necessity of delegating the other powers.

26) The papers may be circulated to the Councillors for opinion.

24.7.13 M. Venkatarangaiya

27) C. Secretary. Circulate

24/7

28) I do not see any necessity for any of the alterations proposed. What is required

NOTE—Contn. sheet.

2C

General and Revenue Secretariat.

Legn File No. 13 of 1913

Serial No.

in a large army like that of British India is not necessarily appropriate in a small army like ours. There will be little delay in obtaining the sanction of Government.

2) If the Military department is very particular, we may empower the Chief Commandant (& Military Secretary who is Ch. Comm^r for the Transport Corps) to convene a Court Martial. But as the punishments awardable by a Court Martial are very serious, I would by no means ~~delegate the power of this~~ take away the necessity of Govt having to sanction the punishment.

3) No definition of 'Govt'

21

NOTE—Contn. sheet.

GPE—65,000—17-C-12.

Serial No.

is either necessary or permissible, specially for the Military Regn. The Civil Cl. Regn supplies the definition, and it is well settled who has to pass orders of Govt in each case. I am not sure if the Military Secretary is Secretary to Govt in this particular branch of work.

21) The provns of S. 94 & 95 should not be altered. Where dealings with other than military men are concerned, the normal course is to try cases coming up before the Civil tribunals. Unless very strong grounds are shown, no exceptions shd be made. In this case, there are very strong grounds to maintain

NOTE—Contn. sheet.

2

General and Revenue Secretariat.

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Serial No.

the jurisdiction of ordinary Courts. It is generally admitted as quite necessary that the ordinary tribunals should have jurisdiction over all offenders, and that special jurisdiction of Military Courts shd be carefully circumscribed within narrow defined limits.

H. V. Ranganayakamma

29/7/13

Hon'ble Sir Srinivasa Iyengar 31/7

32) I fully agree with the first Councillor. There is, however, no objection to delegate to the Mily. Secy the power of convening a Court Martial when necessary. No other change are called for in the present circumstances.

M. Krishnaraya 7/8

33) 7/8

Hon'ble Sir Srinivasa Iyengar 7/8

4464 8.8.13

NOTE—Contn. sheet.

Jpris 70/13-14

[G. R. S. 12]

General and Revenue Secretariat.

Legis File No. 13 of 1913

Serial No.	
345	Necessary action may now be taken, in the Legislative Branch, to delegate the power of sanctioning the convening of a Court Martial to the Military Secretary.
	19.8.13
	346) Transferred to Br III for further action.
	21/8

Mily Pris 5/5 21/8

Jpris 70/13-14
Legis
21/8

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat.

Legis. File No. 13 of 1913-14

Serial No.	
	37) Submitted with a draft Bill and ~~a draft~~ Statement of Objects and reasons. S.V.S (48) N.N 16/9/13
	38) Fair copy of Statement of Objects & Reasons. please
	S.P. Rajagopalachari 20/9
	39) Submitted with a ~~fair~~ fair copy of the Statement of Objects and reasons as ordered. S.V.S (68) N.N 26/9/13
	40. Dft (New) S.P. Rajagopalachari 27/9 Draw of Secy 30/9/13
	41) Pt Counsellor
	42) The drafts are suitable. H.V. Ranganadhayya 4/10/13
5951 4.11.13	43. A draft Submission Note is put up. Draw of Secy 4/11

NOTE—Contn. sheet.

GPB—55,000—17-6-12.

Submitted to His Highness.

44 Under section 38 of the Mysore Military Regulation, 1899, a Court-Martial can be convened only with the previous sanction of Government: It is represented that the necessity to obtain the previous sanction of Government in every case leads to some delay; and to remedy this it is suggested that the power of sanctioning the convening of Courts-Martial may be delegated to the Military Secretary to His Highness. Col.A.A.Jones further proposed that the power to sanction the proceedings of Court-Martial might also be delegated to the Military Secretary to His Highness and that all offences committed by Military men made triable exclusively by the Military authority.

Pages 16 - 19 of notes

45. 2. The First Councillor is of opinion that there is no necessity to amend the present Regulation as there will be little delay in obtaining the sanction of Government but that if the Military Department is very particular, the Chief Commandant (and Military Secretary who is Chief Commandant for the Transport Corps) may be empowered to convene a Court-Martial.

46.

Page 17 of notes

3. As regards the second proposal he is of opinion that as the punishments awardable by a Court Martial are very serious, the necessity for Government sanction thereto should not be removed.

47.

Page 18 — " —

4. In regard to the third suggestion he thinks that Sections 94 and 95 should not be altered. Where dealings with other than Military men are concerned the normal course of trying such cases should rest with the Civil tribunals. No good reason for departing

from this salutary rule has been urged.

48

Page 19 ginotes

5. The Second Councillor concurs with the First Councillor and I agree with them.

49.

6. It is therefore proposed to amend the law only to enable Government to delegate the power of convening a Court Martial to any officer they deem fit. The amendment now proposed is on the lines of Section 58 of the Indian Army Act, 1911.

50.

"Draft for approval"

7. The draft amending bill may be graciously approved by His Highness.

51

8. After His Highness's approval the Bill will be sent to the Residency for obtaining the sanction of the Government of India.

M. Viswanath

27th Nov. 1913.

27

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Draft bill to amend the Mysore Military Regulation, 1899 to enable Government to delegate the power of convening a Court Martial to any officer they deem fit.

409.

Order.

52. Approved

~~KRM~~

5/12/13

~~His Highness the Maharaja~~

53. Secretary

5.12.13 M. Visvesvaraya

54. B III

ZB

8/12

K. R. Srinivasa Iyengar

55. Draft to the Resl

8/12/13

Sd/- S. P. Rajagopalachari

10/12

f 2nd 70-13

R. S. 12]

General and Revenue Secretariat.

Legis File No. 13 of 191 3-14

Serial No.	
	56. Subd with a draft letter to the Residency for getting the sanction of the Govt of India for the Bill being passed into law. This is a matter removed from the cognizance of the Legislative council under clause (h) of the proviso to sec: 12(2). (48) S.V.S / 15/12/13 NM 57.N.N T. Trambadoneflay 16.XII.13
	58. Approved. Must very early Draft Dsm. Forwarding a Copy 17/12
1	No Pol. 465 dated 18/12/13 to the F.A. Resident in Mysore Forwards two copies of the Bill noted to amend the Mysore Military Regn, II of 1899, for obtaining the sanction of the Govt of India to the Bill being passed into Law
2	No. 824 dated 3rd Feb: 1914 from the F.A. Resident Informs that the G.G. in council has been pleased to accord his consent to the Bill on the understanding that he retains over it the power and authority vested in him under the Treaty of 1913 Art. 18

NOTE.—Contn. sheet.

GPB—65,000—17-6-12.

9416

R. S. 12]

General and Revenue Secretariat.

Legis File No. 13 of 1914-15

Serial No.

59. Submitted. His Highness approval has to be obtained to promulgate the Bill as Law.

S.V.S (48) 5/2/14

60. Note a draft Subn note

61. Dr Dev Rajah Pataudum

Draft agd. 6/2/14

First Member

62. Draft appd. by First member of Council 8.2.14.

63.

7528 9.2.14.

Draft agd. 9/2

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Submitted to His Highness.

64. The Bill further to amend the Mysore Military Regulation, II of 1899, approved by His Highness on the 5th December 1913, has been sanctioned by the Government of India.

Page 24 of the Heenotes Paper under disposal

2. This Bill was not referred to the Legislative Council as it falls within the scope of the proviso to Section 12(2) of the Mysore Legislative Council Regulation, 1907.

3. Sanction may graciously be accorded for the promulgation of the Bill as law.

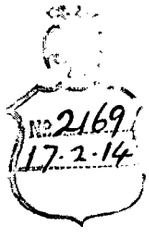
M. Visvesvaraya

17-2-6-1914.

24b

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.



Promulgation of the Bill further to amend the Mysore Military Regulation, II of 1899, into Law.

695

Order.

65. ~~KRW~~
21|2|14
His Highness the Maharaja

66. Secretary
22.2.14 R. Nidhiswaraya

67. B iii
K.R. Srinivasa Iyengar

68. Draft
24/2 R. Rajagopalachari

(R. S. 12]

General and Revenue Secretariat.

Misc 70-13

Regs File No. 13 of 191 3-14

Serial No.	
	69. Submitted with a draft order to the Compiler to publish the Regn (48) S.V.S 26/2/14 MLN.N 27 Issue Sd/- Rajagopalachari 27/2
3	No J 2535 dated 3/3/14 to the Compiler, Mysore Gazette Orders the publication in Gazette of the Regn further to amend the Mysore Military Regn, 1899, as Regn II of 1914. Submitted. Spare copies have been received from the Press. Copies have to be sent to the Residency as usual. 50 copies will also be sent to the Military Branch (48) S.V.S 25/3/14 MLN.N Issue Sd/- Rajagopalachari 25/3
4	To Mil ~~J.A.R.~~ No Pol 773 dt 28/3/14 Forwarding 11 copies of the Regulation further to amend the Mily Regulation

A/27/3

27/3

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Progs of the H. H. the Maharaja

A Regulation to amend the Mysore Military Regn. 1899

File No. 13-1913

D. O. No. 7152

The Office of the Military Secretary
to H. H. the Maharaja of Mysore.
Dated Bangalore 27th Decr. 1912.

GOVERNMENT OF MYSORE

Letter dated 24th December 1912 from the Military Secretary to H. H. the Maharaja to the Dewan

Dear Sir,

With reference to your D. O. letter No. 197 of the 23d December 1912, I have read the paras your note draws attention to. You will no doubt have noticed that there is no definition of the word "Government" in the Mysore Military Regulations. It may mean the Secretary to Government in the Military Department who often issues orders as Secretary to Government without reference to other persons or Government.

I would submit for your consideration that it might be as well in the interests of the State to allow the Military Department to manage the discipline of the Mysore Troops and Corps without reference to Civil Departments or officials who have no experience of Military matters. It seems to me to be the best system to adopt and is practically that which is used throughout the British Empire where the Military conduct the disciplinary business of the Corps

24

Regulation II of 1914

(Receiving the assent of His Highness on the 21st day of February 1914)

A Regulation further to amend the Mysore Military Regn., II of 1899

Whereas it is expedient further to amend the Mysore Military Regn., II of 1899, His Highness the Maharaja is pleased to enact as follows:-

Amendment of section 38

After the word "Government" at the end of the first sentence in paragraph 38 of the Regn., the words "or of such officer specially authorised in this behalf by Government" shall be added

M. Visveswaraya
Dewan

Dewan

3099

First Draft

Statement of Objects and reasons

Section 54 of the Indian Army Act, 1911, gives power to the Commander-in-Chief to delegate the power of convening a Court-martial to any Military Officer specially empowered by him, by warrant in this behalf

But under section 38 of the Mysore Military Regulation, 1899, the sanction of Government is required in each case for the convening of a court-martial. As this may occasionally lead to unnecessary delay in a few cases, it is deemed desirable to make provision for delegating this power to such Officer as may be specially authorised in this behalf by Government.

Draft
8879

26

17/12 ab

~~Legis~~ Legis

G.R.S. 26]

File No. 13-13

Serial No. 1

*Diary No. of letter replied to*_____

General and Revenue Secretariat

( )

, the *19* .

Date of issue 18.12.1913

Signed by Sir K.P. Srinivasaiengar

Letter No. Pol No. 465/ecc 2.

dated 18th December 1913

To Joint Assistant to the Hon'ble

The 1st A. Resident in Mysore

Bangalore

Sir

I am directed to forward herewith two copies of a Bill further to amend the Mysore Military Regn., II of 1899, and to request that the sanction of the Govt. of India to the Bill being passed into law may be obtained.

Section 56 of the Indian Army Act 1911 provides

over.

SUBJECT.

38

that the commander-in-chief may delegate the power of convening a court-martial to any Military Officer specially empowered by him, by warrant, in this behalf.

But Under sec: 38 of the Bengal Military Regn: 1844, the sanction of Govt: is required in each case for the convening of a court Martial. As this may necessarily lead to delay, it is deemed desirable to make provision for delegating the power to such Officer as may be specially authorised in this behalf by Govt:. Sec: 38 of the Regn: is therefore proposed to be suitably amended.

I am to add that this measure was not referred

List of enclosures,

Two Copies of the Bill.

HC

Copied by

Examined by HV

GPB—20,000—23-9-10

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

to the Legislative Council as it falls under clause (h) of the Proviso to sec: 12(2) of Regn I of 1907 (the Mysore Legislative council Regulation).

I have Etc

Draft 17/12

for Secretary to Govt

K
16/XII/13

Draft-
CHG 15/12/13

Copy 17/12

39

GPB—10,000—22-2-11

Pol & Jud/305 & 3.2.1914.

Letter No. 824 dated 3rd Feb.

FROM

P. R. WARBURTON, Esq., I.C.S.,

First FIRST ASSISTANT TO THE RESIDENT IN MYSORE

DAIRY No. J 2416

1913-1914

SECTION Legis

FILE No. ~~26 13~~ 13-14

SERIAL No. 2

To

The Dewan of Mysore.

Dated Bangalore, 3rd February 1914

SIR,

I am directed to acknowledge the receipt of Mr. S. Srimivasiengar's letter No. 465 Pol., dated the 18th December 1913, forwarding a Bill further to amend the Mysore Military Regulation, II of 1899.

2. The Governor General in Council has been pleased to accord his consent to the draft Bill on the understanding that he retains over it the power and authority which vests in him by virtue of Article 18 of the Treaty of 1913.

I have the honour to be,

Sir,

Your most obedient servant,

P R Warburton

First Assistant Resident.

40

R. O. 2.—R P. B.—12-1913.—500.

2 copies of the Regulation (Class I)
Please

4

G.R.S. 28]

27/2
2416

Ab

File No.

Serial No.

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

READ—

, *the* 19

Date of issue 3/3/14

Signed by S. Rajagopalachar
for

ORDER THEREON.—No. 2535 / Legis 13-14
dated 3rd January 1914 The Conseiller
Mysore Gazette Ordered that the
accompanying Regulation
(The Regulation further
amend the Mysore Military
Regulation, 1899,) which received

Sd. No. 3
Co

over.

SUBJECT.

41

Ab
3/3/14

GPB—10,000—29-9-10

the assent of His Highness
the Maharaja on the 21st
day of February 1914
be published as Regn II of 1914 in Part III
of the Mysore Gazette
in English and Kannada.
~~and to send~~ 200 spare
copies in English and
100 in Kannada to this
Office and 100 in English
and 50 in Kannada to
the Curator, Govt Central
Book Depot, Bangalore.
Proofs should be sent to this Office
before publication.

By order
SIO
For Secy to Govt

For Secretary to Govt

2.

The Compiler, Mysore Gazette with the request that
200 ✱

7.1.L
27.2.14

Ed 72

REGULATION II OF 1914.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 21ST DAY OF FEBRUARY 1914.)

A Regulation further to amend the Mysore Military Regulation, II of 1899.

Whereas it is expedient further to amend the Mysore Military Regulation, II of 1899, His Highness the Maharaja is pleased to enact as follows:—

Amendment of Section 38.

After the word "Government" at the end of the first sentence in paragraph 38 of the Regulation, the words "or of such officer specially authorised in this behalf by Government" shall be added.

M. VISVESVARAYA,
Dewan.

G.R.S. 26]

26/3

X/

Legis File No. 13-13

Serial No. 4

Diary No. of letter replied to

Letter PoC No. 773 / Encl 11 copies of Reg^n II of 1914

dated 28th March 1914

General and Revenue Secretariat

( )

, *the* 19 .

To ~~His Highness the Maharaja~~ The H.H. Resident in Mysore, Bangalore

of ssue 28. 3. 14.

Signed by Sir K.R. Seshaiengar

Sir

I am directed to forward herewith 11 copies of the Regulation (II of 1914) further to amend the Mysore Military Regulation, 1899, ~~as Regn II of 1914~~, and to request you to be good as to forward 2 copies to H.H. the Nizam's Govt as usual. Encl No. 4

I have &c

SM

for Secretary to Govt

over.

SUBJECT.

43

26/3 Exd. 28/3/14